

FLEISCHMAN BONNER & ROCCO
ATTORNEYS AT LAW LLP

81 MAIN STREET • SUITE 515 • WHITE PLAINS • NEW YORK • 10601
TEL: 908-516-2066 • FAX: 908-516-2049 • WEB: WWW.FBRLLP.COM

EMAIL: JBonner@fbrllp.com

November 23, 2021

VIA ECF

The Honorable Nicholas G. Garaufis
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Przewozman et al. v. Qatar Charity et al.*, 1:20-cv-06088-NGG-RLM

Dear Judge Garaufis:

I am co-counsel for the Plaintiffs in the above-referenced action. I write in response to Defendant Masraf al Rayan's ("MAR") November 22, 2021 letter (ECF 20), which requested that Your Honor schedule a pre-motion conference, and to provide the Court with material information that MAR omitted from its letter.

Plaintiffs respectfully request that the Court postpone scheduling the pre-motion conference the Court has ordered the parties to arrange until Plaintiffs have obtained a judicial determination, under Guidelines 50.3.1(a) and (d) of the Eastern District of New York Guidelines for the Division of Business Among District Judges, regarding whether the above-referenced action is related to two other pending actions. The first-filed of the three related actions is pending before the Hon. Brian M. Cogan, who has scheduled an Initial Status Conference for February 9, 2022. *See Force et al. v. Qatar Charity et al.*, 1:20-cv-02578-BMC, October 5, 2021 order granting ECF 23. The other related action is *Henkin et al. v. Qatar Charity et al.*, 1:21-cv-05716-AMD-VMS, which is pending before the Hon. Ann M. Donnelly.

On November 8, 2021, pursuant to Fed. R. Civ. P. 4(f)(2)(C)(ii) and 4(h)(2), defendants MAR and Qatar National Bank ("QNB") were served by the Clerk of this Court with the summonses and complaints in all three actions. Plaintiffs have not yet succeeded in serving defendant Qatar Charity. Plaintiffs long ago obtained letters rogatory authorizing diplomatic service on the three defendants, but the Department of State has not yet completed that service.

This case is unquestionably related to the *Force* and *Henkin* actions, where my firm and The Perles Law Firm, P.C. also serve as co-counsel for the plaintiffs. The plaintiffs in all three cases assert identical causes of action against the same three defendants. The claims in the three cases arise out of the same illicit conduct by the defendants. Specifically, the plaintiffs allege that MAR, QNB and Qatar Charity provided material support to the U.S. government-designated Foreign Terrorist Organizations ("FTOs") Hamas (all three cases) and Palestinian Islamic Jihad ("PIJ") (*Force* and *Przewozman*). The plaintiffs in the three actions further allege that the material support the defendants provided to Hamas and PIJ constitutes a proximate cause of the injuries that the plaintiffs suffered in terrorist attacks that the two FTOs carried out in Israel and the Palestinian Territories.

In light of overriding similarities between the three cases, it makes no sense to commence litigation activities in this action without obtaining the necessary determination regarding whether the three matters qualify as related and which Judge should preside over all of the plaintiffs'

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substantially identical claims. Notably, MAR offers no explanation for its choice to ignore the two related actions. Accordingly, Plaintiffs will not burden the Court with unnecessary discussion regarding the reasons why the Court should reject the various purported grounds for dismissal that MAR argued in yesterday's letter.

Plaintiffs intend to apply for the related-case determination as soon as counsel for MAR and QNB respond to our November 22 written request to confer regarding that issue, which we also raised orally during the parties' November 22 conference call. Thank you for your consideration of this issue.

Respectfully submitted,

/s/ James P. Bonner

James P. Bonner

CC: All counsel of record (via ECF)